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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,728	07/07/2003	Thierry Riaudel	072211-9017-00	7542
23409	7590	02/22/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP			CHARLES, MARCUS	
100 E WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202			3682	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,728	RIAUEL, THIERRY	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04-09-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action relating to serial application number 10/614,728, filed 07-07-2003.

Claims 1-18 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The examiner has accepted the drawing filed 07-07-2003.

Specification

3. The disclosure is objected to because of the following informalities:

(A) the following sub-titles are missing.

- (a) BACKGROUND OF THE INVENTION.
 - (i) Field of the Invention.
 - (ii) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (b) BRIEF SUMMARY OF THE INVENTION.
- (c) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (d) DETAILED DESCRIPTION OF THE INVENTION.

(B) in page 4, line 24 and 33, it is not proper to use the legal phrase "said" in the specification. Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: in line 9, "a" before "second face" should be --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is not clear as to what part of the cylinder is the plate being formed and it is not clear if it is the base plate or the first face that forms part of a cylinder. Lines 11-12, are confusing because it is not clear because it appears two embodiments are being claimed, one embodiment with a base plate being flat and the other with the base plate being part of a cylinder and therefore, renders the intended scope of the claim confusing. It is not clear as to the limitations when the base plate is flat or not because the phrase "not flat can be any shape other than being flat. In lines 3 and 8, it is not clear as to what cylinder is being referred to.

In claim 2 it is not clear as to how the holding member and the guide can be integral with the base plate and at the same time slide in translation therewith.

In claims 3, 13 and 15, it is not clear as to what "it" is being referred to.

In claim 16, it is not clear as to what is meant by "the central region is located is located plumb with the first holding member".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Savage et al. (588,838). Savage et al. disclose a belt removal/assembly tool comprising a base plate (B) having first and second faces, first and second spaced apart parallel holding members (B¹, A³), which are perpendicular to the base plate and a guide member (A⁴) extending from the face opposite to the first face.

In claim 2, note the two holding members are integral with the base and are spaced apart at a distance corresponding to the width of the pulley.

In claim 3, note the two holding members are translatable with respective to each other.

In claim 4, note the holding member is integral with the base.

In claim 5, the guide member is borne by a part (A) that can move in translation.

In claim 6, the guide is integral with the base.

In claim 7, note the second holding member (B') is a bent down end of the plate (B).

In claims 12-13, as understood, note the outside and inside surfaces of the guide, which extend substantially perpendicular with the first face is at an angle with the second the faces o the first holding member.

In claims 16-18, as understood, Savage et al. discloses the claimed invention.

Allowable Subject Matter

9. Claims 8-11 and 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nichols (415,921), Knight (368,094), Harnsberger (315,615), Crowner (692,833), Davison (697,454), Wilson (298,929), Garman (774,576) and DE (102,49,914) disclose a belt removal and replacer tool with first and second spaced apart holding members.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Marcus Charles
Primary Examiner
Art Unit 3682
February 15, 2005